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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,896	06/21/2001	Ignacio Larrain	112843-25	2983
29157	7590	07/23/2004		
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			EXAMINER DESANTO, MATTHEW F	
			ART UNIT 3763	PAPER NUMBER
DATE MAILED: 07/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/681,896

Applicant(s)

LARRAIN ET AL.

Examiner

Matthew F DeSanto

Art Unit

3763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____


Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See attached document

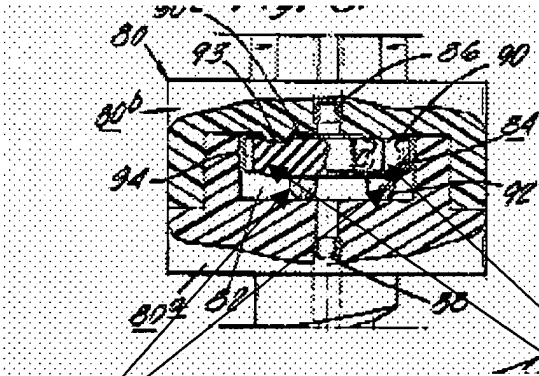

MICHAEL J. HAYES
PRIMARY EXAMINER

Continuation of 5. Does NOT place the application in condition for allowance because, the applicant argues that the references do not teach the claimed invention, especially the structure of the mushroom shaped head, and piston with a stem. The examiner disagrees with the applicant because the term mushroom shaped head is broad and therefore the examiner gives this structural limitation a broad interpretation. The examiner interprets a piston member with a mushroom shaped head to mean, a valve that resembles a mushroom head. Mushroom heads can be curved or flat. There are several variations to mushroom heads and there is no specific shaped claimed. With regards to the arguments drawn to the piston stem, since the term comprising is used as the transition phase, the references can teach more than one stem, as long as one stem is taught, which is the case in the prior art references. The term comprises is referred to as the open term, meaning that the claimed invention can be taught as well as other elements or steps. The term consisting is a closed term, meaning that only the elements claimed are taught by the reference. This is further explained in the MPEP. The examiner has attached a document to further explain and show the structural limitations that were in question.


7/20/09

The applicant argues that the references do not teach the claimed invention, especially the structure of the mushroom shaped head, and piston with a stem. The examiner disagrees with the applicant because the term mushroom shaped head is broad and therefore the examiner gives this structural limitation a broad interpretation. The examiner interprets a piston member with a mushroom shaped head to mean, a valve that resembles a mushroom head. Mushroom heads can be curved or flat. There are several variations to mushroom heads and there is no specific shaped claimed. With regards to the arguments drawn to the piston stem, since the term comprising is used as the transition phase, the references can teach more than one stem, as long as one stem is taught, which is the case in the prior art references. The term comprises is referred to as the open term, meaning that the claimed invention can be taught as well as other elements or steps. The term consisting is a closed term, meaning that only the elements claimed are taught by the reference.

According to Brignola, this can be seen in Figures 6 and 9. With



This is a stem. Since this claim uses the term comprising there can be more than one stems.

The mushroom shaped head. This structure resembles a mushroom.